



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WO 21.0995	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/006240	International filing date (day/month/year) 08.06.2004	Priority date (day/month/year) 20.06.2003	
International Patent Classification (IPC) or national classification and IPC F16L55/134			
Applicant SERVICES PETROLIERS SCHLUMBERGER et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 07.01.2005		Date of completion of this report 30.05.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Mauriès, L Telephone No. +31 70 340-4356 	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/006240

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-11 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/006240

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,7-9
	No: Claims	1-4,6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/EP2004/006240

1. Reference is made to the following document:
D2: GB-A-2275066 (cited in the search report)
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 2 is not new in the sense of Article 33(2) PCT.
 - 2.1 The document D2 discloses (the references in parentheses applying to this document): a sealing device (see e.g. p. 1, paragraph 1) for temporarily closing a well or a pipe, the device comprising a support (17, 21) supporting an inflatable tubular membrane (see e.g. fig. 1, 2, 3, 7, 8) of circular section, having a wall of material that is leakproof, flexible and elastic, and deformable radially outwards under the action of internal fluid pressure so as to be pressed hermetically against the wall of the well or the pipe, said membrane (23, 25) being mechanically reinforced by at least one sheet of flexible strands embedded in the thickness of its wall (see e.g. fig. 3 and p. 4, l. 3 - 17), the sheet being inscribed in a circularly cylindrical surface on the same axis as said membrane, wherein the device includes at least one [and also one pair of adjacent] fiber layer[s] (1, 3), referred to as a "filter" layer[s], which is[are] likewise circularly cylindrical in shape, and disposed concentrically [one inside the other], being embedded ("encapsulated", see e.g. p. 4, l. 3 - 7) in the thickness of the wall of the membrane (23, 25), inside relative to said sheet of flexible strands (5, 7), said [pair of] filter layer[s] (1, 3) possessing a structure made up of a multitude of very fine fibers (see e.g. fig. 3 - 5) that acts as an anti-extrusion barrier, adapted to limit creep of the material constituting the wall of the membrane (23, 25) and to prevent it from passing outwards between the reinforcing strands (5, 7) under the effect of the pressure generated by the inflation fluid.
All the features of claims 1 and 2 are disclosed in D1.
3. Dependent claims 3 to 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, the reasons being as follows:
 - 3.1 Concerning claims 3, 4 and 6: the additional features of these claims are already known from D2, see e.g. fig. 6 - 9 for claims 3 and 4 and p. 6, l. 10, 11 for claim 6.
 - 3.2 Concerning claims 5, 7 to 9: the subject-matter of each of these claims consists in the selection of dimensions from a commonly used range and comes within the customary practice followed by persons skilled in the art, without the exercise of

inventive skills. Moreover these dimensions do not create unexpected effects.

- 3.3 It would be obvious to the skilled person to combine for the same purpose, in accordance with circumstances, the additional features of claims 3 to 9 with the known features of document D2, without the exercise of inventive skills, in order to solve the problem posed.

Re Item VIII

Certain observations on the international application

1. Although claims 1 and 2 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.
2. The relative terms "very fine" and "small angle" used in claims 1 to 3 have no well-recognised meaning and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.